

21 C.J.S. Courts § 42

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

C. Jurisdiction of Subject Matter or Cause of Action

4. Jurisdiction of Actions Under Laws of Other States or Countries

§ 42. Penal and revenue law exceptions to jurisdiction under laws of other states or countries

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [International Law](#)  [321](#), [322](#), [341](#), [352](#), [361](#), [364](#), [392](#)

Courts will not enforce penal laws of other states or countries.

Courts will not enforce the penal laws of another state¹ or foreign country.² For foreign judgments falling within its terms, the statute that permits the United States Attorney General, upon request of a foreign nation pursuant to a mutual forfeiture assistance treaty, to petition a United States court to enforce a foreign forfeiture judgment or confiscation order is an exception to the penal law rule.³

The question whether a statute is a penal law so that it cannot be enforced in the courts of another state under the Full Faith and Credit Clause depends upon the question whether its purpose is to punish an offense against the public justice of the state or to afford a private remedy to a person injured by the wrongful act; for this purpose, criminal or quasi-criminal statutes are the only types of penal statutes that fall under the exception to the Full Faith and Credit Clause.⁴

Revenue laws.

As a general rule, a court will not enforce the revenue laws of another state or country.⁵

CUMULATIVE SUPPLEMENT

Cases:

Prosecution of district attorney and his son for wire fraud and related offenses, based on their use of campaign funds for personal expenses, did not improperly rely on what state campaign finance law did or did not prohibit, and thus did not deny due process or implicate federalism concerns, where jury was tasked with determining whether defendants committed simple wire fraud by defrauding district attorney's donors, not whether they ran afoul of state law, and state law was used only to prove mens rea and donor expectations. [U.S. Const. Amend. 5. United States v. Reed, 908 F.3d 102 \(5th Cir. 2018\).](#)

[END OF SUPPLEMENT]

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Footnotes

- 1 [Cal.—People v. Faranso, 240 Cal. App. 4th 456, 192 Cal. Rptr. 3d 737 \(4th Dist. 2015\).](#)
[Nev.—City of Oakland v. Desert Outdoor Advertising, Inc., 267 P.3d 48, 127 Nev. Adv. Op. No. 46 \(Nev. 2011\).](#)
Discovery sanctions not penal
[Tex.—Enviropower, L.L.C. v. Bear, Stearns & Co., Inc., 265 S.W.3d 16 \(Tex. App. Houston 1st Dist. 2008\).](#)
Forfeiture provisions
[U.S.—Kunda v. C.R. Bard, Inc., 671 F.3d 464 \(4th Cir. 2011\) \(applying New Jersey law\).](#)
- 2 [U.S.—U.S. v. Federative Republic of Brazil, 748 F.3d 86 \(2d Cir. 2014\); Figueiredo Ferraz E Engenharia de Projeto Ltda. v. Republic of Peru, 665 F.3d 384 \(2d Cir. 2011\).](#)
- 3 [U.S.—U.S. v. Federative Republic of Brazil, 748 F.3d 86 \(2d Cir. 2014\).](#)
- 4 [Tex.—Enviropower, L.L.C. v. Bear, Stearns & Co., Inc., 265 S.W.3d 16 \(Tex. App. Houston 1st Dist. 2008\).](#)
- 5 [U.S.—U.S. v. Pasquantino, 305 F.3d 291 \(4th Cir. 2002\), on reh'g en banc, 336 F.3d 321 \(4th Cir. 2003\), judgment aff'd, 544 U.S. 349, 125 S. Ct. 1766, 161 L. Ed. 2d 619, 4 A.L.R. Fed. 2d 747 \(2005\).](#)

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